

**Representative Hall, Atlanta, Georgia****Wednesday, February 8, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Dickson	Jacobs	E McClinton	E Setzler
Amerson	Dodson	James	Meadows	Shaw
Ashe	Drenner	Jamieson	Millar	Sheldon
Bearden	England	Jenkins	Mills	Sims, F
Benton	Everson	Jennings	Mitchell	Smith, B
E Borders	Fleming	Johnson	Morgan	Smith, L
Bridges	Floyd, J	Jones, J	Mosby	Smith, P
Brooks	Franklin	Keen	Mosley	Smith, R
Bryant	Freeman	Keown	Mumford	E Smith, T
Buckner, D	Gardner	Kidd	E Murphy, J	Smith, V
Buckner, G	Golick	Knight	Murphy, Q	Stephens
Burkhalter	Graves, T	Knox	Neal	Talton
Burmeister	Greene	Lakly	O'Neal	Teilhett
Butler	Hanner	Lane, B	Orrock	Thomas, B
Byrd	Hatfield	Lane, R	Parham	Tumlin
Carter	Heard, J	Lewis	Parrish	Walker
Casas	Heard, K	Lindsey	Parsons	Warren
Chambers	Hembree	Lord	Ralston	Watson
Cheokas	E Henson	Lunsford	E Ray	Wilkinson
Coan	Hill, C	Maddox	Reece, S	Willard
Cole	Hill, C.A	Mangham	Rice	Williams, A
Coleman, B	Holt	Manning	Roberts	Williams, E
Cox	Horne	Martin	Royal	Williams, R
Crawford	Houston	Maxwell	Rynders	Yates
Cummings	E Hudson	May	Scheid	Richardson,
Davis	E Jackson	McCall	Scott, M	Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Barnard of the 166th, Barnes of the 78th, Beasley-Teague of the 65th, Black of the 174th, Brown of the 69th, Bruce of the 64th, Burns of the 157th, Cooper of the 41st, Day of the 163rd, Dean of the 59th, Dollar of the 45th, Dukes of the 150th, Ehrhart of the 36th, Floyd of the 99th, Fludd of the 66th, Forster of the 3rd, Graves of the 137th, Harbin of the 118th, Holmes of the 61st, Howard of the 121st, Jones of the 44th, Jordan of the 77th, Loudermilk of the 14th, Lucas of the 139th, Marin of the 96th, Morris of the 155th, Powell of the 29th, Randall of the 138th, Reece of the 11th, Reese of the 98th, Rogers of the 26th, Sailor of the 93rd, Scott of the 153rd, Sims of the 169th, Sinkfield of the 60th, Smyre of the 132nd, Stephenson of the 92nd, Thomas of the 55th, and Wix of the 33rd.

They wish to be recorded as present.

Prayer was offered by the Reverend Dexter O. Rowland, New Piney Grove Missionary Baptist Church, Decatur, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1263. By Representatives Hill of the 21st, Scheid of the 22nd, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior courts, so as to provide for a third judge of the superior courts of the Blue Ridge Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of said judge; to prescribe the compensation, salary, and expense allowance of said judge to be paid by the State of Georgia and the

county comprising said circuit; to authorize the judges of said court to divide and allocate the work and duties thereof; to provide for the manner of impaneling jurors; to provide for an additional court reporter for said circuit; to authorize the governing authority of the county which comprises the Blue Ridge Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for said judges; to declare inherent authority; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1264. By Representatives Heard of the 104th, Cox of the 102nd, Everson of the 106th, Marin of the 96th, Walker of the 107th and others:

A BILL to be entitled an Act to amend an Act to continue and re-create the State Court of Gwinnett County, approved March 23, 1977 (Ga. L. 1977, p. 3331), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 3598), so as to provide for an additional judge for the State Court of Gwinnett County; to provide for matters relative thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1266. By Representative Parham of the 141st:

A BILL to be entitled an Act to amend Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails, so as to provide that persons confined in jail who are under the care and supervision of the Department of Human Resources for mental health reasons are transferred from the jail to a mental health facility until trial; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 1267. By Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Parsons of the 42nd, Teilhet of the 40th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 5, 2005 (Ga. L. 2005, p. 3607), so as to change the compensations of the clerk and the chief deputy clerk of the State Court of Cobb County; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1268. By Representative Hugley of the 133rd:

A BILL to be entitled an Act to amend Code Section 19-9-1 of the Official Code of Georgia Annotated, relating to the procedure for determining custody of children, so as to allow third parties to be considered for custody of a child without the necessity of the parents being declared unfit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1269. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act creating the Miller County Recreation Authority, approved March 25, 1997 (Ga. L. 1997, p. 3533), so as to provide for the composition, qualifications, terms, and quorums of the authority; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1270. By Representatives Yates of the 73rd and Knight of the 126th:

A BILL to be entitled an Act to amend an Act abolishing the fee system as the mode of compensation of the Coroner of Spalding County and providing in lieu thereof a salary for the compensation of such officer, approved March 6, 1962 (Ga. L. 1962, p. 3068), as amended, particularly by an Act approved February 28, 1966 (Ga. L. 1966, p. 2561), an Act approved April 5, 1971 (Ga. L. 1971, p. 3108), an Act approved March 30, 1977 (Ga. L. 1977, p. 4238), an Act approved March 13, 1978 (Ga. L. 1978, p. 3196), an Act approved April 11, 1979 (Ga. L. 1979, p. 3452), an Act approved April 6, 1981 (Ga. L. 1981, p. 4129), an Act approved March 21, 1984 (Ga. L. 1984, p. 4534), and an Act approved March 28, 1986 (Ga. L. 1986, p. 5545), so as to change the compensation of the coroner; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1271. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to create a board of elections and registration for Rabun County and to provide for its powers and duties; to provide for

definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for the submission of this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1272. By Representatives Graves of the 12th, Brown of the 69th, Ralston of the 7th, Channell of the 116th, Burmeister of the 119th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding sales to nonprofit volunteer health clinics; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1273. By Representatives O'Neal of the 146th, Talton of the 145th and Morris of the 155th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to security deposits, so as to change certain provisions regarding placement of security deposits in escrow accounts; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1274. By Representative O'Neal of the 146th:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change certain definitions regarding such taxation; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1275. By Representatives Smith of the 129th, Floyd of the 147th, Rynders of the 152nd, Graves of the 12th and Channell of the 116th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the revocation of a commercial driver's license upon violation of Code Sections 16-8-2 through 16-8-9; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 1276. By Representatives Abdul-Salaam of the 74th, Brooks of the 63rd, Watson of the 91st, Smyre of the 132nd, Orrock of the 58th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to state holidays and observations, so as to establish Coretta Scott King Day in Georgia; to state legislative findings; to provide for a portrait; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Special Rules.

- HB 1277. By Representative Cheokas of the 134th:

A BILL to be entitled an Act to authorize the Magistrate Court of Sumter County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1278. By Representatives Brooks of the 63rd, Watson of the 91st, Mangham of the 94th, Benfield of the 85th, Abdul-Salaam of the 74th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that no public retirement system shall invest funds in public obligations of companies doing business with or in the Republic of Sudan; to provide for divestiture of such investments; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 1279. By Representatives Butler of the 18th, Smith of the 131st, Sheldon of the 105th, Smith of the 168th and Willard of the 49th:

A BILL to be entitled an Act to amend Code Section 45-18-5 of the Official Code of Georgia Annotated, relating to county officers and employees' participation in the state health benefit plan, so as to provide sheriffs, tax commissioners, clerks of superior court, and judges of the probate court with the option of participating in the state health benefit plan for themselves and their dependents; to provide for the coverage of their dependents; to provide for the manner of exercising such option; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1280. By Representatives Brooks of the 63rd, Mangham of the 94th, Watson of the 91st, Benfield of the 85th, Abdul-Salaam of the 74th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to prohibit the Office of Treasury and Fiscal Services from making certain deposits in certain financial institutions unless the financial institution has certified that it does not have any direct loans or knowledge of any indirect loans to certain entities connected with the Republic of Sudan; to define a certain term; to provide that a state agency may not procure certain supplies that are produced or manufactured in the Republic of Sudan; to require the state to provide notice of certain requirements regarding doing business with or in the Republic of Sudan; to authorize the Department of Administrative Services to waive certain requirements under certain conditions; to impose certain penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 1281. By Representative Smith of the 113th:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to change certain provisions relating to certification of assessed taxable value of property and method of computation, resolution or ordinance required for mileage rate, and advertisement of intent to increase property tax; to provide an effective date;

to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1282. By Representatives Ralston of the 7th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to the recording of deeds and other instruments, so as to provide for the filing of a notice of settlement; to provide for an index; to provide for a fee; to provide for a form; to provide for the effect of notice; to provide for duration; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1283. By Representatives Epps of the 128th, Smyre of the 132nd, Buckner of the 130th, Crawford of the 127th, Smith of the 70th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observations, so as to declare Franklin Delano Roosevelt Day in Georgia; to make certain legislative observations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Special Rules.

HB 1284. By Representatives Coleman of the 144th, Coleman of the 97th, Millar of the 79th, Greene of the 149th, Powell of the 29th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment of certain persons under the Quality Basic Education Act, so as to provide for the establishment of the "Grants for Classroom Teachers Program"; to provide for the establishment of rules and regulations for the program; to provide for maximum salary supplement amounts; to provide for funding contingencies; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1285. By Representatives Roberts of the 154th, Shaw of the 176th, Williams of the 165th, Maddox of the 172nd, Houston of the 170th and others:



A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to wildlife, so as to change certain provisions relating to the unlawful enticement of game; to provide legislative findings and declarations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HB 1286. By Representative Scott of the 153rd:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally, so as to provide that challenges to absentee voters must be made no later than 12:00 Noon on the Monday prior to a primary, election, or runoff; to provide that a DRE unit that is accessible to disabled voters shall be provided at sites where absentee ballots are cast in person; to provide that the outer envelopes of absentee ballots may be opened on the Monday prior to a primary, election, or runoff; to provide in certain circumstances that the county election superintendent may begin the tabulation of absentee ballots prior to the close of the polls on the day of a primary, election, or runoff; to provide procedures for such tabulation; to provide that absentee ballots that are enclosed in an outer envelope but not contained in an inner envelope shall be counted; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1287. By Representatives Golick of the 34th, Smith of the 129th and Roberts of the 154th:

A BILL to be entitled an Act to amend Title 20 of the O.C.G.A., relating to education, so as to eliminate the Construction Reserve Trust Fund and the appropriation of lottery funds to the fund; to eliminate the use of lottery funds for teacher training in computers and technology; to eliminate the use of lottery funds by the board of regents for training professors and instructors in computers and technology; to eliminate the use of lottery funds by the Department of Technical and Adult Education for training teachers in computers and technology; to amend Code Section 50-27-3 of the O.C.G.A., relating to definitions regarding the lottery for education, so as to provide that the term "educational purposes and programs" shall not include capital outlay projects for educational facilities and teacher training in computers and technology; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HR 1266. By Representative Manning of the 32nd:

A RESOLUTION creating the House Study Committee on Children: Newborns to Age Five; and for other purposes.

Referred to the Committee on Children & Youth.

HR 1267. By Representative Maddox of the 172nd:

A RESOLUTION dedicating a portion of State Road 97 in Decatur County in honor of Mr. Jack Wingate; and for other purposes.

Referred to the Committee on Transportation.

HR 1272. By Representative Sims of the 169th:

A RESOLUTION urging the Coffee County Board of Education to establish a scholarship honoring the memory of Clifton Bryce Murray; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1280. By Representatives Powell of the 29th, Lucas of the 139th, Talton of the 145th, Dean of the 59th, Porter of the 143rd and others:

A RESOLUTION urging the Public Service Commission to maintain its current staffing structure and continue the work of the adversary staff; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HR 1281. By Representative Scott of the 153rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the imposition of a sales and use tax for educational maintenance and operation purposes of public schools with an equivalent millage rate reduction; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1244	HB 1261
HB 1245	HB 1262
HB 1246	HR 1258
HB 1247	HR 1259
HB 1248	SB 79
HB 1249	SB 202
HB 1250	SB 241
HB 1251	SB 391
HB 1252	SB 394
HB 1253	SB 398
HB 1254	SB 408
HB 1255	SB 409
HB 1256	SB 435
HB 1257	SB 440
HB 1258	SB 470
HB 1259	SR 686
HB 1260	

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 535	Do Pass, by Substitute	HB 1044	Do Pass, by Substitute
HB 986	Do Pass, by Substitute	HB 1054	Do Pass, by Substitute
HB 1029	Do Pass, by Substitute		

Respectfully submitted,  
/s/ Ralston of the 7th  
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR  
WEDNESDAY, FEBRUARY 8, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 15th Legislative Day as enumerated below:

### DEBATE CALENDAR

#### Open Rule

HB 954      Public transportation; sale or exchange of tokens, transfers, transaction cards, or tickets without consent, repeal prohibition  
HB 1019      "Taser Certification Act"; create

#### Modified Open Rule

None

#### Modified Structured Rule

None

#### Structured Rule

HB 1107      Income tax credit; imposition, rate, and computation; real property; amend

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,  
/s/ Ehrhart of the 36th  
Chairman

The following members were recognized during the period of Morning Orders and addressed the House:

Heckstall of the 62nd, Morgan of the 39th, Williams of the 165th, Forster of the 3rd, Amerson of the 9th, and Butler of the 18th.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1284. By Representatives Lunsford of the 110th, Davis of the 109th, Mosby of the 90th and Yates of the 73rd:

A RESOLUTION congratulating the Henry County High School wrestling team on winning the 4AAAA State Dual Championship and inviting its members to appear before the House of Representatives; and for other purposes.

HR 1285. By Representatives Ray of the 136th and James of the 135th:

A RESOLUTION commending the Peach County High School Trojans football team for winning the Class AAA state football championship and inviting them to appear before the House of Representatives; and for other purposes.

HR 1289. By Representatives Kidd of the 115th, Heard of the 114th and Smith of the 113th:

A RESOLUTION recognizing and commending Pedro Villegas-Narváez, D.V.M., for his monumental contributions and accomplishments, and inviting him to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A

Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	E Setzler
Barnes	Y Dickson	Y Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	E Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	E Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	E Ray	Watson
Y Channell	Y Harbin	Y Lord	E Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 156, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Beasley-Teague of the 65th, Neal of the 1st and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 1022. By Representatives Bridges of the 10th, Crawford of the 127th, Harbin of the 118th, Amerson of the 9th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to the annual salaries of certain state

officials, so as to provide that members of constitutional commissions may be reimbursed for certain expenses incurred during the performance of their official duties; to repeal conflicting laws; and for other purposes.

By unanimous consent, further action on HB 1022 was suspended until later in the legislative day.

The hour of convening the Joint Session pursuant to SR 782 having arrived, the Senate appeared upon the floor of the House and the Joint Session, convened for the purpose of hearing an address from Major General William G. Webster, Jr., Commanding General of the 3rd Infantry Division, was called to order by the President of the Senate, Lieutenant Governor Mark Taylor.

The Resolution calling for the Joint Session was read.

Major General William G. Webster, Jr. appeared upon the floor of the House and addressed the Joint Session.

Senator Williams of the 19th moved that the Joint Session of the General Assembly be now dissolved and the motion prevailed.

The President Pro Tem of the Senate, Senator Johnson of the 1st, announced the Joint Session dissolved.

The Speaker called the House to order.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having previously been read, was again taken up for consideration:

HB 1022. By Representatives Bridges of the 10th, Crawford of the 127th, Harbin of the 118th, Amerson of the 9th and O'Neal of the 146th:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to the annual salaries of certain state officials, so as to provide that members of constitutional commissions may be reimbursed for certain expenses incurred during the performance of their official duties; to repeal conflicting laws; and for other purposes.

By unanimous consent, HB 1022 was recommitted to the Committee on Appropriations.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 954. By Representatives Geisinger of the 48th, Chambers of the 81st, Lindsey of the 54th, Millar of the 79th and Franklin of the 43rd:

A BILL to be entitled an Act to amend Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, so as to delete a prohibition against the sale or exchange of tokens, transfers, transaction cards, or tickets without consent; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

#### A BILL

To amend Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, so as to provide for circumstances under which it is unlawful to alter a public transportation fare medium or enter buses, rail vehicles, or stations without payment of the proper fare to the public transportation provider; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, is amended by striking in its entirety Code Section 16-12-120.1, relating to altered fare coins, notes, tokens, transfers, and transaction cards and the sale or exchange of tokens, transfers, transaction cards, or tickets without consent, and inserting in lieu thereof the following:

"16-12-120.1.

A person who commits or attempts to commit any of the following acts shall be guilty of a misdemeanor if such person:

(1) Sells, makes, or possesses any coin, ~~note~~, token, stored value card, transfer, transaction card, ticket, or ~~similar article~~ any other fare medium which has been altered from its original condition contrary to its intended use to enter or gain entry into or on any bus, rail vehicle, or station;

~~(2) Sells or exchanges any token, transfer, transaction card, ticket, fare medium, or similar article used or to be used as payment for entry into or on any bus, rail vehicle, or terminal without the express consent of the public transit agency owning or operating such vehicles or stations;~~



~~(3)~~(2) Offers entry or provides entry into or on any bus, rapid rail car, or station to any person without the payment of the proper fare to the public transit agency owning or operating such vehicles or stations;

~~(4)~~(3) Gains entry into or on any bus, rapid rail car, or station without the payment of the proper fare to the public transit agency owning or operating such vehicles or stations; or

~~(5)~~(4) Gains entry into or on any bus, rapid rail car, or station through the use of a ~~transcard~~ coin, token, stored value card, transfer, transaction card, ticket, or any other similar fare media medium which is the property of another person when the use of such medium is limited by its terms to a single user."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following substitute, offered by the Committee on Rules, was read and adopted:

## A BILL

To amend Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, so as to provide for circumstances under which it is unlawful to alter a public transportation fare medium or enter buses, rail vehicles, or stations without payment of the proper fare to the public transportation provider; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, is amended by striking in its entirety Code Section 16-12-120.1, relating to altered fare coins, notes, tokens, transfers, and transaction cards and the sale or exchange of tokens, transfers, transaction cards, or tickets without consent, and inserting in lieu thereof the following:

"16-12-120.1.

A person who commits or attempts to commit any of the following acts shall be guilty of a misdemeanor if such person:

(1) Sells, makes, or possesses any coin, ~~note~~, token, stored value card, transfer, transaction card, ticket, or ~~similar article~~ any other fare medium which has been

altered from its original condition contrary to its intended use to enter or gain entry into or on any bus, rail vehicle, or station;

(2) Sells or exchanges any token, stored value card, transfer, transaction card, ticket, fare medium, or similar article which was obtained by fraudulent or illegal means and which is used or to be used as payment for entry into or on any bus, rail vehicle, or terminal without the express consent of the public transit agency owning or operating such vehicles or stations;

(3) Offers entry or provides entry into or on any bus, rapid rail car, or station to any person without the payment of the proper fare to the public transit agency owning or operating such vehicles or stations;

(4) Gains entry into or on any bus, rapid rail car, or station without the payment of the proper fare ~~to the public transit agency owning or operating such vehicles or stations;~~ or

(5) Gains entry into or on any bus, rapid rail car, or station through the use of a ~~transcard~~ coin, token, transfer, transaction card, ticket, or any other similar fare media medium which is the property of another person when the use of such medium is limited by its terms to a single user. This paragraph shall not apply to stored value cards or similar fare media which deduct the cost of the fare from the value stored on the card or other fare medium each time such card or other fare medium is used."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, by substitute.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	E Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	E Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Mosley	Y Smith, P

Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	E Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	E Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	E Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1019. By Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st and others:

A BILL to be entitled an Act to create and establish the "Taser Certification Act"; to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to require certified training for law enforcement officers for the official use of tasers, stun guns, or other similar devices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

#### A BILL

To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to enact the "TASER and Electronic Control Weapons Act"; to require training and certification for peace officers authorized to use TASERs or other similar electronic control weapons or devices; to provide for

legislative intent; to require the adoption of written policies for those law enforcement agencies utilizing TASERS and other similar electronic control weapons and devices; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, is amended by adding a new Code section immediately following Code Section 35-8-25 to read as follows:

"35-8-26.

(a) This Code section shall be known and may be cited as the 'TASER and Electronic Control Weapons Act.'

(b) It is the intent and purpose of the Georgia General Assembly to establish legal requirements for the official use of electronic control weapons and similar devices by law enforcement officers, including those officers employed in detention facilities, which requirements shall be consistent with generally accepted industry practices. It is the further intent of the General Assembly to require that such devices, commonly referred to as TASERS or stun-guns, which disrupt the central nervous system of the human body, be used for law enforcement purposes in a manner consistent with established standards and with federal and state constitutional provisions.

(c) A law enforcement unit authorizing the use of electronic control weapons or similar devices shall establish written policies and directives providing for the use and deployment of such weapons and devices in a manner consistent with standards established by the Georgia Peace Officer Standards and Training Council for the lawful use of force. The policies and directives required by this subsection shall be issued prior to the issuance of such devices.

(d) Prior to the official use of electronic control weapons or similar devices, peace officers authorized by the officer's law enforcement unit to use such devices shall be required to satisfactorily complete a course of instruction and certification requirements approved by the council. All persons certified to use electronic control weapons shall complete an update or refresher training course of such duration and at such time as may be prescribed by the council in order for their electronic control weapons certification to remain in force and effect.

(e) A department head authorizing the use of an electronic control weapon or similar device or a peace officer using an electronic control weapon or similar device in violation of this Code section shall be subject to disciplinary action as provided for in this chapter. The council is authorized to withdraw or suspend the certification to operate an electronic control weapon of any person for failure to meet the update or refresher requirements specified in this Code section or for violation of any portion of this chapter relating to conditions which may lead to the withdrawal, suspension, or probation of a peace officer's certification.

(f) The Georgia Public Safety Training Center shall provide council approved training to peace officers for the use of electronic control weapons and similar devices."

## SECTION 2.

This Act shall become effective on January 1, 2007, excepting that provisions applying to council certification and provisions for training offered by the Georgia Public Safety Training Center shall become effective six months after the effective date of an appropriations Act containing a specific appropriation to fund certification by the council or training by the center.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	E Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	E Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	E Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Y Bruce	Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	E Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	E Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A

Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Manning of the 32nd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following Resolutions of the House were read and adopted:

HR 1270. By Representative Hudson of the 124th:

A RESOLUTION commending Mrs. Pearl Fowler; and for other purposes.

HR 1271. By Representative Sims of the 169th:

A RESOLUTION honoring the memory of Clifton Bryce Murray and expressing regret at his passing; and for other purposes.

HR 1273. By Representatives Davis of the 109th, Willard of the 49th, Rynders of the 152nd, Fleming of the 117th, Golick of the 34th and others:

A RESOLUTION commending Branch Banking & Trust Co.; and for other purposes.

HR 1282. By Representative Morgan of the 39th:

A RESOLUTION commending Erika Yaya on having her artwork selected for the Youth Art Month State Capitol Exhibit; and for other purposes.

HR 1283. By Representative Morgan of the 39th:

A RESOLUTION commending Julia Harlon on having her artwork selected for the Youth Art Month State Capitol Exhibit; and for other purposes.

HR 1288. By Representatives Benton of the 31st, Reece of the 27th, Mills of the 25th and Rogers of the 26th:

A RESOLUTION commending Fredric Thomas Newsom on becoming an Eagle Scout; and for other purposes.

HR 1290. By Representatives Barnard of the 166th, Day of the 163rd, Hill of the 21st, Scheid of the 22nd and Byrd of the 20th:

A RESOLUTION commending Deputy Patrick Neal on winning the Peace Officer of the Year Award for Valor; and for other purposes.

HR 1291. By Representative Bryant of the 160th:

A RESOLUTION commending Pastor Elder Willie Ferrell for his life of dedicated service to his church, community, and fellow citizens; and for other purposes.

HR 1292. By Representatives Burmeister of the 119th, Fleming of the 117th and Harbin of the 118th:

A RESOLUTION celebrating the life and accomplishments of Joseph M. Still, Jr., M. D., and for offering condolences to his family and friends upon his passing; and for other purposes.

HR 1293. By Representatives Ray of the 136th and O'Neal of the 146th:

A RESOLUTION congratulating Mrs. Mary Edith McFall on the occasion of her 89th birthday; and for other purposes.

HR 1294. By Representatives Scott of the 153rd, Roberts of the 154th, Coleman of the 144th, Houston of the 170th and Meadows of the 5th:

A RESOLUTION commending Mr. J. Steve Woodham; and for other purposes.

HR 1295. By Representative Carter of the 159th:

A RESOLUTION commending Thomas Gibson Whatley III on becoming an Eagle Scout; and for other purposes.

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, tomorrow morning.